

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THERESA MALONE, individually and as
a derivative action on behalf of Blue Valley
Foods, Inc., a Nebraska corporation; et. al;

Plaintiffs,

vs.

KANTNER INGREDIENTS, INC., et. al;

Defendants.

4:12CV3190

MEMORANDUM AND ORDER

The plaintiffs have moved to lift the discovery stay ([Filing No. 157](#)), arguing that the pending motions to dismiss will not fully resolve this case and therefore discovery should proceed. While the court agrees that discovery will proceed as to any issues and claims which survive the three pending motions to dismiss ([Filing Nos. 125](#), [126](#), and [150](#)), the permissible scope of discovery will be defined by Judge Gerrard's rulings. Those rulings will become the law of the case, provide the basis for my rulings on the pending motions to compel ([Filing Nos. 117](#), and [139](#)) and motion for protective order ([Filing No. 137](#)), and set the parameters for the parties' discovery going forward.

Accordingly,

IT IS ORDERED that the plaintiffs' motion to lift the discovery stay, ([Filing No. 157](#)), is denied.

March 29, 2014.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge